IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 108 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SAEPLAST (INDIA) LTD

Versus

ASSISTANT PROVIDENT FUND COMMISSIONER

Appearance:

MR PREMAL R JOSHI for Petitioner No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 13/01/2003

ORAL JUDGEMENT

1. Rule. An advance copy of the petition has been served to the learned counsel for the respondent.

2. This petition has been filed for quashing and setting aside the orders dated 28-2-201 at Annexure-A and dated 27-6-2001 at Annexure-B to the petition and for direction to the respondent authority to redetermine the amount due and payable by the petitioner to the respondent for the year 1999-2000 u/s 7A of the Employees Provident and Miscellaneous Provisions Act, 1952.

3. Heard the learned counsel for the parties. Learned counsel for the petitioner submitted that the amount of Rs. 1,79,395/- was due to be paid to the respondent authority and that amount has already been paid and the copy of the pay order has been annexed at Annexure-E to the petition.

4. The application moved by the petitioner on 19-4-2001 was rejected on 28-2-2001 on the ground that it was not submitted within the stipulated time limit.

5. The entire amount has already been deposited. The application for quashing and setting aside the order filed by the petitioner has been rejected on the ground of delay. In the fitness of the things, it requires that the petitioner may be given an opportunity of representing his case within the stipulated time and his case may be decided in accordance with law without considering the time limit.

6. In the facts and circumstances of the case, this petition is allowed and the petitioner is directed to move a fresh representation to the respondent authority within two weeks from today and the respondent authority shall decide the same in accordance with law after giving reasonable opportunity of hearing without considering the time limit and the respondent authority shall pass appropriate order in accordance with law within four weeks thereafter. Rule is made absolute to the aforesaid extent. D.S. is permitted.

(Kundan Singh, J.)

/JVSatwara/